

**REMARKS**

Claims 1-37 are in the case.

Claim 1 was amended to include a load/unload status in the parameter related to availability, a feature that was part of claim 4 as originally filed. Claim 4 was amended to remove the loaded/unloaded status and to further include at least one of the recited parameters in the parameters of availability. Claim 14 was amended to determine the availability of each mobile asset from mobile asset availability data and include at least a mobile asset loaded/unloaded status in the availability data for each mobile asset. Claim 37 was added to indicate that each of the mobile assets include a tractor-trailer.

**§ 103 Rejection**

At paragraph 4 of the Office Action, claims 1-36 were rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent 6,253,980 to Murakami et al. (hereinafter “Murakami”).

**Description of the Present Invention**

The present invention relates to a technique for providing information about mobile assets to e.g., facilitate asset management. According to an aspect of the invention, a plurality of mobile asset sources provide the mobile assets. Each mobile asset comprises a location detector for providing position data, at least one mobile asset sensor for detecting a parameter relating to the availability of the mobile asset and wireless communication mechanism for transmitting data relating to the availability of the mobile asset. The parameter related to the availability of the mobile asset includes at least a mobile asset loaded/unloaded status. A data center is configured to receive the mobile asset availability data from the mobile assets and determine the type of each mobile asset, process the availability data, and use the data to determine the availability of each mobile asset.

According to another aspect of the invention, a plurality of user computers provide user access to information relating to the availability of the mobile assets and user interfaces to request one or more mobile assets that are determined to be available.

According to yet another aspect of the invention, an intermediary business entity efficiently manages the mobile assets that are made available by using the availability information from the data center.

#### Description of the Cited Art

Murakami describes a shared vehicle system having a central facility, one or more vehicle distribution port facilities and a plurality of vehicles each having a vehicle subsystem. According to the system, a user enters information to select a vehicle. This information is communicated to the central facility which uses the information along with information collected from the plurality of vehicles to select a vehicle for the user. The selected vehicle is then communicated to the user. See Col. 3, lines 1-16. The information collected from the vehicles include location, parking state, odometer information, state of charge of the vehicle, trip time and various other trip information and statistics. See Col. 7, line 64 to Col. 8, line 7.

#### Claims 1-23 and 37

Representative claim 1 recites:

1. A system for determining the availability of mobile assets comprising:
  - a plurality of mobile asset sources for providing the mobile assets that may be made available and are of one or more types, each mobile asset comprises a location detector for providing position data, at least one mobile asset sensor for detecting a parameter relating to the availability of the mobile asset and wireless communication mechanism for transmitting data relating to the availability of the mobile asset; and
  - a data center for providing the availability status of the mobile assets,wherein, the parameter related to availability includes *at least a mobile asset loaded/unloaded status* and, the data center

comprises a receiver for receiving the mobile asset availability data from the mobile assets and a processor programmed for determining the type of each mobile asset, processing availability data, and using the data to determine the availability of each mobile asset.

Applicant respectfully submits that Murakami does not teach or suggest Applicant's claimed availability parameter that includes *at least a mobile asset loaded/unloaded status*.

Murakami describes a system that tracks the availability of vehicles that may be made available to a user for driving purposes. Various parameters associated with driving the vehicle, such as location, parking state, odometer information, state of charge of the vehicle, trip time and various other trip information and statistics, are collected and used to determine the availability of the vehicle. Nowhere does Murakami suggest, however, gathering parameters related to a loaded/unloaded status of the vehicle. In fact, in the system described by Murakami, it would not make sense to gather this information as it is not necessarily related to the intended use of the system which is to identify a vehicle for driving purposes.

For reasons set forth above, Applicants submit that Murakami is legally precluded from rendering Applicant's claims 1-23 and 37 unpatentable under 35 U.S.C. § 103 and therefore believe these claims are in condition for allowance.

#### Claims 24-36

Claim 24 recites in relevant part:

24. A system for exchanging mobile assets determined to be made available comprising:...
- an intermediary business entity having a communication link to the data center for providing a network of users and the plurality of mobile asset sources *to efficiently manage the mobile assets that are made available by using the availability information from the data center; ...*

On page 8 of the Office Action, the Examiner notes that:

“Since it has been known in business that sometimes it is more cost-efficient for one or more of the business operations to be managed by an intermediary business entity who/which is knowledgeable, experienced or extremely efficient in operations such as Internet/network communication,... it would have been obvious to one of ordinary skill in the art at the time of the claimed invention that such an intermediary business entity such as that comprising an Internet server and database can be used for linking the data center 12 or system computer 254 (Fig. 14), the computer users, and the mobile asset sources through the Internet in a business system such as taught by Murakami...”

Applicant respectfully disagrees with the Examiner’s assumption and requests that the Examiner produce authority for this statement.

First, Murakami does not teach or suggest Applicant’s claimed intermediary system that efficiently manages mobile assets that are made available by using the availability information from the data center. If such intermediary system was widely known in the art, surely Murakami would at least suggest that such a system may be used to enhance the system Murakami describes. That is, one might have thought that Murakami would suggest connecting his central facility 12 to an intermediate business entity which uses availability information gathered from the central facility 12 to efficiently manage Murakami’s mobile assets 16 and to make available mobile assets from a plurality of mobile asset sources accessible to users 20. However, Murakami does not make such suggestion in fact and the Examiner has failed to meet his burden of showing a prima facie case of obviousness.

Second, the Examiner assumes that the concept of an intermediate business entity capable of being configured to manage mobile assets using availability information from a data center was widely known at the time of the invention. Applicant respectfully disagrees. Granted, systems such as that described by Murakami, may have been available at the time of the invention that enable a user to locate and reserve a mobile asset over e.g., the Internet. However, Applicant is not aware of a system, other than Applicant’s claimed invention, that has a data center for providing the availability of mobile assets and an intermediary business entity having a

communication link to the data center that efficiently manages the mobile assets that are made available by using the availability information from the data center.

With Applicant's system, for example, the intermediary business entity enables users to locate available mobile assets from a variety of mobile asset sources, such as a plurality of rental companies. Here, the intermediary business entity determines the mobile asset availability from data provided by e.g., one or more data centers that may be operated by the rental companies providing the mobile assets. In this case, the intermediary system uses availability data provided by the data centers to locate available mobile assets for users and "connect" the users with one or more rental companies that have available mobile assets the users are looking for.

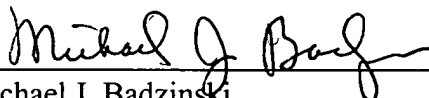
On the other hand, in systems like Murakami's, where the mobile assets are provided by e.g., a single rental company, it may not make sense to incorporate an intermediary business entity. Here, the data center works closely with the users to "connect" users with mobile assets provided by e.g., the single rental company. Introducing an intermediary business entity would perhaps be inefficient as users would have to go through the intermediary business entity in order to locate an available mobile asset rather than work directly with the data center.

**CONCLUSION**

In view of the above amendments and remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By 

Michael J. Badzinski

Registration No. 51,425

Telephone: (978) 341-0036

Facsimile: (978) 341-0136

Concord, MA 01742-9133

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